FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1955 OF 2005
WITH
FIRST APPEAL NO.102 OF 2003

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	: : : : :	Court's or Judge's Orders

---

Mr. Pratap Patil for the applicant/appellant.

CORAM: SMT. RANJANA DESAI, J.

DATED: 5TH MAY, 2005.

P.C.:-

The learned counsel for the applicant/appellant states that the dispute involved in the appeal is settled between the appellant and respondent 1 - Maruti Rama Shinde. He states that, therefore, he has instructions to withdraw the appeal.

In this civil application, it is prayed that the applicant/appellant may be permitted to withdraw the instant appeal and consequently withdraw Rs.25,000/- deposited in this court in First Appeal No.102 of 2003 under section 173 of the Motor Vehicles Act. The learned counsel for

the applicant/appellant states that a copy of this application is served on the constituted attorney of respondent 1 and also on respondent 2. They have signed in token of having received the same on the covering letter of the advocate for the applicant/appellant and the same is annexed to the affidavit of service filed by the applicant/appellant. The said affidavit of service is taken on record and marked ‘X’. The learned counsel has drawn my attention to order dated 1/10/2004 passed by the Member, M.A.C.T., Sangli. The learned member has noted the following:

"In view of pursis Ex.21, the present Darkhast is disposed off as fully satisfied. No order as to costs."

In view of this, I see no reason to disallow the application of the applicant/appellant to withdraw the instant first appeal. Hence, the first appeal is allowed to be withdrawn.

The office to allow the applicant to withdraw Rs.25,000/- deposited in this court under section 173 of the Motor Vehicles Act.

Needless to say that the applicant/appellant will be entitled to refund of court fee in accordance with law.

First Appeal No.102 of 2003 is disposed of as withdrawn.

Civil application is disposed.

(SMT. RANJANA DESAI, J.)